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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,114	06/20/2001	Jacobus Cornelis Haartsen	027557-094	3442

7590 01/25/2005

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EXAMINER

WAHBA, ANDREW W

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/884,114

Applicant(s)

HAARTSEN, JACOBUS  
CORNELIS

Examiner

Andrew W Wahba

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 and 9 is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

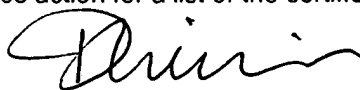
**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



PHIRIN SAM  
PRIMARY EXAMINER

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 07/25/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because its description is too brief.

Correction is required. See MPEP § 608.01(b).

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Nishimura et al (US Patent 5,646,941).

Nishimura et al discloses a data receiving apparatus 381 (receiving), as illustrated by figure 8, that consists of a packet decomposer 356 that decomposes data packets into a data block Db and data header Hd portions (column 10, lines 24-28). Header analyzer 358 analyzes the header and data decoder 357 processes the data (processing ... irrespective) (column 10, lines 6-9) (processing ... irrespective).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura et al (US Patent 5,646,941) in view of Strawczynski et al (US Patent 6,628,641).

With regard to claims 2 and 3 Nishimura et al does not expressly disclose that the packet is a synchronous data packet or that the data packet relates to voice information.

Strawczynski et al discloses a point-to-point radio network that that supports various applications including voice (synchronous data packet / voice information) (column 3, line 66 – column 4, line 3).

A person of ordinary skill in the art would have been motivated to employ Strawczynski et al in Nishimura et al to increase the probability of detecting a cell with header errors without increasing the probability of discarding a received cell which has a

valid header (Strawczynski, column 2, lines 1-5). At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Nishimura et al and Strawczynski et al (collectively Nishimura-Strawczynski) so as to obtain the invention as specified in claims 2 and 3.

7. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strawczynski et al et al (US Patent 6,628,641) in view of Nishimura (US Patent 5,646,941).

With regard to claim 4, Strawczynski et al discloses a transceiver as illustrated by figure 5 and a corresponding flowchart illustrated by figure 6A. The transceiver includes radio unit 340 (receiving) coupled to a receive block processing unit 360 and a receive header processor 370 (column 6, lines 4-11). Strawczynski et al discloses means for detecting errors (detecting errors) in a received cell header (column 6, lines 17-21) also described as EHEC vs. header step 620 or 622 (detecting errors) (column 6, lines 45-60). In the event that no error is detected (if no error is detected), the receive header processor 370 forwards the cell to the I/O unit 305 for conventional processing (processing the payload) (column 6, lines 17-21).

Strawczynski et al does not disclose if an error is detected, processing the payload independently.

Nishimura et al discloses a data receiving apparatus 381 (receiving), as illustrated by figure 8, that consists of a packet decomposer 356 that decomposes data packets into a data block Db and data header Hd portions (column 10, lines 24-28).

Header analyzer 358 analyzes the header and data decoder 357 processes the data (processing ... irrespective) (column 10, lines 6-9) (processing ... independently).

A person of ordinary skill in the art would have been motivated to employ Nishimura et al in Strawczynski et al to prevent misinterpretation of header information (Nishimura, column 2, lines 40-46). At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Strawczynski et al and Nishimura et al (collectively "Strawczynski-Nishimura") so as to obtain the invention as specified in claim 4.

With regard to claim 5 and 6, Strawczynski et al discloses a point-to-point radio network that that supports various applications including voice (synchronous data packet / voice information) (column 3, line 66 – column 4, line 3).

***Allowable Subject Matter***

8. Claims 8-9 are allowed. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W Wahba whose telephone number is (571) 272-3081. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth N Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted,

Andrew Wahba *AW*  
Patent Examiner  
January 14, 2005



PHIRIN SAM  
PRIMARY EXAMINER